

Message Text

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ACTION SS-25

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FM USMISSION GENEVA

TO SECSTATE WASHDC 2687

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FROM USDEL LOS

FOR INGERSOLL AND MAW FROM AMBASSADORS STEVENSON AND MOORE

E.O. 11652: XGDS-3

TAGS: LOS

SUBJ: LOS: SPECIAL WEEKLY REPORT

SUMMARY: ATTENTION OF LOS CONFERENCE FOCUSED ON SINGLE
NEGOTIATING TEXTS UNDER PREPARATION BY COMMITTEE CHAIRMAN
FOR RELEASE TO DELEGATIONS AT END OF SESSION. END SUMMARY

1. COMMITTEE I. TEXT PREPARED BY CHAIRMAN OF DRAFTING
COMMITTEE AND REVISED IN LIGHT OF DELEGATION COMMENTS
UNDERGOING FINAL REVISION BY COMMITTEE CHAIRMAN. TEXT IN
PRESENT FORM LIMITS AUTHORITY'S ROLE TO ACTIVITIES OF EXPLORATION
AND ASSOCIATED ACTIVITIES, INCLUDING RESEARCH
CONCERNING THESE RESOURCES; IN GENERAL REFLECTS GROUP OF
77 POSITION ON SYSTEM OF EXPLORATION--I.E. DIRECTLY BY
AUTHORITY AND WITHIN LIMITS DETERMINED BY AUTHORITY BY
STATES AND NATIONAL AND JURIDICAL PERSONS THROUGH CONTRACTS
OR JOINT VENTURES, IN BOTH CASES IN ACCORDANCE WITH
ANNEXED BASIC CONDITIONS; COUNCIL AND RULE MAKING FOLLOW
U.S. PROPOSALS WITH NINE MOST INDUSTRIALIZED COUNTRIES
ASSURED OF SEATS AND VOTING BY THREE QUARTERS MAJORITY.
ASSEMBLY IS SUPREME POLICY MAKING AUTHORITY BUT OBLIGATED
TO AVOID ANY ACTION WHICH MAY IMPEDE EXERCISE OF SPECIFIC
POWERS AND FUNCTIONS ENTRUSTED TO OTHER ORGANS.

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2. COMMITTEE II. CHAIRMAN INDICATED TO AMBASSADORS STEVENSON AND MOORE THAT HE IS USING EVENSEN GROUP ECONOMIC ZONE ARTICLES WITH NO CHANGES OF SUBSTANCE EXCEPT IN ARTICLES WITH NO CHANGES OF SUBSTANCE EXCEPT ARTICLES RELATING TO LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, UK-FIJI STRAITS ARTICLES WITH AMENDMENT TO DEAL WITH PROBLEM OF STRAITS WITHIN INTERNAL WATERS AND ARCHIPELAGO ARTICLES WITH SAME TRANSMIT REGIME AS IN STRAITS; ALSO PLANNING TO PROVIDE FOR COASTAL STATE JURISDICTION OVER CONTINENTAL MARGIN BEYOND 200 MILES WITH SOME REVENUE SHARING.

3. COMMITTEE III. MARINE POLLUTION SINGLE TEXT IS GENERALLY SATISFACTORY. TEXT INCLUDES OBLIGATIONS TO ENSURE THAT NATIONAL LAWS AND AT LEAST EQUIVALENT TO INTERNATIONAL STANDARDS REGARDING POLLUTION FROM CONTINENTAL SHELF AND ECONOMIC INSTALLATIONS, VESSELS AND OCEAN DUMPING. ON VESSEL POLLUTION ISSUES, CONCEPT OF PORT STATE ENFORCEMENT AGAINST DISCHARGE VIOLATIONS, EXEMPTION OF STRAITS TRANSIT FROM COASTAL POLLUTION CONTROLS, AND MILITARY EXEMPTIONS ARE INCLUDED AS SUGGESTED BY U.S. DOMESTIC JURISDICTION OVER VESSEL POLLUTION IN TERRITORIAL SEAS AND PORTS IS CLEARLY PRESERVED AND PROTECTED. MAJOR REMAINING PROBLEM IS EXTENT OF COASTAL STATE RIGHT SINCE TEXT INCLUDES 200-MILE ENFORCEMENT JURISDICTION AND MAY ALSO INCLUDE DISCHARGE STANDARD SETTING AT LEAST IN CERTAIN SPECIAL CIRCUMSTANCES FOLLOWING INTERNATIONAL RECOGNITION OF SPECIAL AREAS, ALTHOUGH NO OTHER COASTAL STATE STANDARDS ARE ALLOWED BEYOND TERRITORIAL SEA.

4. MARINE SCIENTIFIC RESEARCH: IT IS BELIEVED THAT THE UNIFIED TEXT WILL PROVIDE A REGIME IMPOSING OBLIGATIONS ON FOREIGN NATIONS FOR MARINE SCIENTIFIC RESEARCH WHICH IS NOT RELATED TO RESOURCES AND A REGIME REQUIRING COASTAL STATE CONSENT FOR RESEARCH RELATED TO RESOURCES. THE COASTAL STATE WILL PROBABLY BE EMPOWERED TO MAKE THE DETERMINATION AS WHETHER OR NOT IT IS RESOURCE RELATED. IT IS PROBABLY THAT THE DETERMINATION WILL BE SUBJECT TO COMPULSORY DISPUTE SETTLEMENT. DALE

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